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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,489	11/24/2003	Alan L. Billings	930034-2040	4548
20999 7590 08/09/2007 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER CHARLES, MARCUS	
			ART UNIT 3682	PAPER NUMBER
			MAIL DATE 08/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/720,489	Applicant(s) BILLINGS, ALAN L.	
	Examiner Marcus Charles	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5 and 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5 and 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the amendment filed 05-10-2007, which has been entered.

Claims 1, 3, 5 and 7-12 are currently pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franchi (6,932,756) in view of JP (4-24298) to Fukuyama et al. and JP (10-29252). Franchi discloses a belt comprising an endless spiral-link base, the base defining a top surface inherently defines a top surface and a bottom surface and including a plurality of preferably fabric spiral, each spiral inherently defining an internal space (not labeled in fig. 3), wherein the spiral are interconnected by a series of parallel pintles (3) extending through the internal spaces of adjacent spiral (2). Franchi does not disclose the spiral link base is made of metal and the belt is a singlefacer or a double facer belt. JP (4-24298) discloses a belt for forming paper machine, wherein the belt is comprises a spiral link base (2a) formed from a metal in order to provide low elongation an, dimension regulation and excellent durability. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the belt of Franchi so that the spiral link base is made from metal in view of JP (4-24298) to Fukuyama et al.

in order to provide low elongation an, dimension regulation and excellent durability. In addition, JP (10-292252) discloses an endless belt being used with a singlefacer and doublefacer. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the belt of Levin so that the belt is a singlefacer and doublefacer belt in view of JP (10-29252) in order to reduce stoppage due to maintenance due to increase temperatures and to reduce failure due to friction.

3. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franchi in view of JP (4-24298) to Fukuyama et al. and JP (10-29252), as applied to claim 1 above, and further in view of Bascom (3,263,799). Franchi does not disclose the metal is stainless steel. Bascom et al. disclose a belt having spirals (2), which are made from stainless steel (see col. 1, lines 54-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the metal spiral of Levin so that it is stainless steel in order prevent contamination due to increase temperatures, adverse atmospheric elements and decay due to moisture.

4. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franchi in view of JP (4-24298) to Fukuyama et al. and JP (10-29252), as applied to claim 1 above, and further in view of Lefferts (5,514,456). Franchi does not disclose the filler means disposed within the belt. Lefferts discloses a spiral link belt comprising filler means disposed in the spirals in order to reduce air permeability of the belt. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide filler material in the spirals of the belt of Franchi in view of Lefferts in order to reduce air permeability of the belt and to increase the strength of the belt.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Franchi (6,932,756) in view of JP (4-24298) and JP (10-292252). Franchi discloses a belt comprising an endless spiral-link base including a plurality of spirals, wherein the spiral are interconnected by a series of parallel pintles (3) extending through the internal spaces of adjacent spiral (2). Franchi does not disclose the belt is a singlefacer or a doublebacker belt and the spirals are made of metal. JP (4-24298) discloses a belt for forming paper machine, wherein the belt is comprises a spiral link base (2a) formed from a metal in order to provide low elongation an, dimension regulation and excellent durability. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the belt of Franchi so that the spiral link base is made from metal in view of JP (4-24298) to Fukuyama et al. in order to provide low elongation an, dimension regulation and excellent durability. In addition, JP (10-292252) discloses an endless belt being used with a singlefacer and doublefacer. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the belt of Levin so that the belt is a singlefacer and doublefacer belt in view of JP (10-29252) in order to reduce stoppage due to maintenance due to increase temperatures and to reduce failure due to friction.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Franchi in view of JP (4-24298) to Fukuyama et al. and JP (10-29252), as applied to claim 1 above, and further in view of Bascom (3,263,799). Franchi does not disclose the metal is stainless steel. Bascom et al. disclose a belt having spirals (2), which are made from stainless steel (see col. 1, lines 54-55). Therefore, it would have been obvious to one of

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ordinary skill in the art at the time of the invention to modify the metal spiral of Levin so that it is stainless steel in order prevent contamination due to increase temperatures, adverse atmospheric elements and decay due to moisture.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Franchi in view of Franchi (6,932,756) in view of JP (4-24298) and JP (10-292252, as applied to claim 1 above, and further in view of Lefferts (5,514,456). Franchi does not disclose the filler means disposed within the belt. Lefferts discloses a spiral link belt comprising filler means disposed in the spirals in order to reduce air permeability of the belt. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide filler material in the spirals of the belt of Franchi in view of Lefferts in order to reduce air permeability of the belt and to increase the strength of the belt.

Citation

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the prior art cited in attached PTO Form 892.

Response to Arguments

8. Applicant's arguments with respect to claims 1, 3, 5 and 7-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ridley Richard can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Marcus Charles
Primary Examiner
Art Unit 3682
August 05, 2007